

Amendment Pursuant to 37 CFR 1.111
USSN 10/612,749
June 14, 2005
Page 18 of 25

REMARKS/ARGUMENTS

Responsive to the Official Action mailed December 14, 2004, Applicants provide the following remarks. Reconsideration and allowance of the subject application, as amended, are respectfully requested.

Allowable Subject Matter

Applicants note, with appreciation, the Examiner's statement that claims 7 – 10, 12, 16, 17, 24, 25, 30 – 33, 35, 39, 40 and 43 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claims 7, 9, 10, 12, 16, 17, 24, 30, 32, 33, 35, 39, 40 and 43 have been cancelled, without prejudice, and rewritten in independent form as new claims 50, 51, 52, 53, 54, 55, 56, 59, 60, 61, 62, 63, 64, and 65 respectively. Claims 8, 25, and 31 have been amended to depend from new claims 49, 56, and 59 respectively. Hence, new claims 50, 51, 52, 53, 54, 55, 56, 59, 60, 61, 62, 63, 64, and 65 and claims 8, 25, and 31 are all now in condition for allowance.

Claim Amendments

In the first official action, the Examiner has agreed that claim 24 is allowable. Applicants have cancelled claims 1, 6, 26 and 29 and added new claims 46, 48, 57, and 58 including the limitations of the cancelled claims and limitations similar to those found in allowable claim 24. No new matter has been added.

Amendment Pursuant to 37 CFR 1.111
USSN 10/612,749
June 14, 2005
Page 19 of 25

35 USC §102 Claim Rejections

Parsche et al

Claims 1 – 4 and 23 have been rejected under 35 USC §102(e) as being anticipated by Parsche et al (US Pat. No. 6,731,246). Claims 1 and 23 have been cancelled, without prejudice. It is requested, therefore, that the rejection of claims 1 - 4 and 23 under 35 USC §102(e) as being anticipated by Parsche et al be withdrawn upon reconsideration.

New claim 46 includes the limitations of original claim 1 and limitations similar to those found in allowable claim 24. In particular, new claim 46 is directed to a loop antenna comprising a conductor and at least one phase compensation element coupled to the conductor along a length of the conductor “to control an excitation current along said length of said conductor such that a maximum excitation current level at a first point along said length of said conductor differs from a minimum excitation current level at a second point along said length of said conductor by less than a predetermined amount.”

Applicants respectfully submit that incorporation of limitations similar to those of allowable claim 24 into new claim 46 renders new claim 46 allowable over the art of record. Claims 2 and 4 have been amended to depend from new claim 46, and claim 3 depends from claim 2. Claims 2, 3 and 4 thus depend from new claim 46, and are allowable by virtue of their dependency from claim 46 in addition to their own further limitations.

Amendment Pursuant to 37 CFR 1.111
USSN 10/612,749
June 14, 2005
Page 20 of 25

Owen

Claims 1 – 6, 11, 13 – 15, 18, 19, and 22 have been rejected under 35 USC §102(b) as being anticipated by Owen (US Pat. No. 5,826,178). Claims 1 and 6 have been cancelled, without prejudice. It is requested, therefore, that the rejection of claims 1 – 6, 11, 13 – 15, 18, 19, and 22 under 35 USC §102(b) as being anticipated by Owen be withdrawn upon reconsideration.

As earlier detailed, new claim 46 includes the limitations of original claim 1 and limitations similar to those found in allowable claim 24. Applicants have also added new claim 48 which includes the limitations of original claim 6 and limitations similar to those found in allowable claim 24. In particular, new claim 48 is directed to a nest loop antenna system where the at least one phase compensation element is coupled along “at least one of said first length of said first conductor and said second length of said second conductor to control an excitation current along said at least one of said first length of said first conductor and said second length of said second conductor such that a maximum excitation current level at a first point differs from a minimum excitation current level at a second point along said at least one of said first length of said first conductor and said second length of said second conductor by less than a predetermined amount.”

Applicants respectfully submit that incorporation of limitations similar to those of allowable claim 24 into new claim 48 renders new claim 48 allowable over the art of record. Claims 2 and 4 have been amended to depend from new claim 46, and claim 3 depends from claim 2 and claim 5 depends from claim 4. Claims 2, 3, 4, and 5 thus depend from new claim 46, and are allowable by virtue of their dependency from claim 46 in addition to their own further

Amendment Pursuant to 37 CFR 1.111
USSN 10/612,749
June 14, 2005
Page 21 of 25

limitations. In addition, claims 11, 13, 19, and 22 have been amended to depend from new claim 48, and claim 14 depends from claims 13 and claim 18 depends from claim 13. Claims 11, 13 – 15, 18, 19, and 22 thus depend from new claim 48, and are allowable by virtue of their dependency from claim 48 in addition to their own further limitations.

Hately et al

Claims 6, 19, 20, and 22 have been rejected under 35 USC §102(b) as being anticipated by Hately et al (US Pat. No. 6,025,813). Claim 6 has been cancelled, without prejudice. It is requested, therefore, that the rejection of claim 6, 19, 20, and 22 under 35 USC §102(b) as being anticipated by Owen be withdrawn upon reconsideration.

As indicated above, new claim 48 includes the limitations of original claim 6 and limitations similar to those found in allowable claim 24. Applicants respectfully submit that incorporation of limitations similar to those of allowable claim 24 into new claim 48 renders new claim 48 allowable over the art of record. Claims 19, 20 and 22 have been amended to depend from new claim 48. Claims 19, 20, and 22 are thus allowable by virtue of their dependency from claim 48 in addition to their own further limitations

Briggs

Claims 6, 11, 19, 21, 22, 26 – 29, 34, 42, 44, and 45 have been rejected under 35 USC §102(e) as being anticipated by Briggs (US Pat. No. 6,567,050). Claims 6, 26, and 29 have been cancelled, without prejudice. It is requested, therefore, that the rejection of claims 6, 11, 19, 21,

Amendment Pursuant to 37 CFR 1.111
USSN 10/612,749
June 14, 2005
Page 22 of 25

22, 26 – 29, 34, 42, 44, and 45 under 35 USC §102(e) as being anticipated by Briggs be withdrawn upon reconsideration.

As indicated above, new claim 48 includes the limitations of original claim 6 and limitations similar to those found in allowable claim 24. Applicants respectfully submit that incorporation of limitations similar to those of allowable claim 24 into new claim 48 renders new claim 48 allowable over the art of record. Claims 11, 19, 21, and 22 have been amended to depend from new claim 48. Claims 11, 19, 21, and 22 are thus allowable by virtue of their dependency from claim 48 in addition to their own further limitations

New claim 57 includes the original limitations of original claim 26 and limitations similar to those found in allowable claim 24. In particular, new claim 57 is now directed to an EAS system comprising "a first antenna; and a second antenna spaced from said first antenna to establish an interrogation zone, at least one of said first and second antennas comprising a loop antenna, said loop antenna comprising a conductor configured in a loop of one or more turns and at least one phase compensation element coupled to said conductor along a length of said conductor to control an excitation current along said length of said conductor such that a maximum excitation current level at a first point along said length of said conductor differs from a minimum excitation current level at a second point along said length of said conductor by less than a predetermined amount."

New claim 58 includes the original limitations of original claim 29 and limitations similar to those found in allowable claim 24. In particular, new claim 58 is now directed to an EAS system comprising "a first antenna; and a second antenna spaced from said first antenna to establish an interrogation zone, at least one of said first and second antennas comprising a first

Amendment Pursuant to 37 CFR 1.111
USSN 10/612,749
June 14, 2005
Page 23 of 25

loop antenna comprising a first conductor having a first length configured in a first loop of at least one turn, and a second loop antenna comprising a second conductor having a second length configured in a second loop of at least one turn, said second loop being disposed within said first loop; and at least one phase compensation element coupled along at least one of said first length of said first conductor and said second length of said second conductor to control an excitation current along said at least one of said first length of said first conductor and said second length of said second conductor such that a maximum excitation current level at a first point differs from a minimum excitation current level at a second point along said at least one of said first length of said first conductor and said second length of said second conductor by less than a predetermined amount."

Applicants respectfully submit that incorporation of limitations similar to those of allowable claim 24 into new claims 57 and 58 renders new claim 57 and 58 allowable over the art of record. Claims 27 and 28 have been amended to depend from new claim 57. Claims 27 and 28 are thus allowable by virtue of their dependency from claim 57 in addition to their own further limitations. Claims 34, 42, 44, and 45 have been amended to depend from new claim 58 and are allowable by virtue of their dependency from claim 58 in addition to their own further limitations.

Amendment Pursuant to 37 CFR 1.111
USSN 10/612,749
June 14, 2005
Page 24 of 25

35 USC §103 Claim Rejections

Claims 36 - 38 and 41 have been rejected under 35 USC §103(a) as being unpatentable over Briggs in view of Parsche et al.

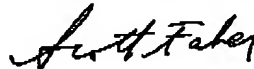
As earlier indicated, new claim 58 includes the original limitations of original claim 29 and limitations similar to those found in allowable claim 24 and renders claim 58 allowable over the art of record. Claims 36 - 38 and 41 depend directly or indirectly from claim 58, and are allowable by virtue of their dependency from claim 58 in addition to their own further limitations. It is requested, therefore, that the rejection of claims 36 - 38 and 41 under 35 USC §103(a) as being unpatentable over Briggs in view of Parsche et al be withdrawn upon reconsideration.

Amendment Pursuant to 37 CFR 1.111
USSN 10/612,749
June 14, 2005
Page 25 of 25

Applicants respectfully submit that in light of the foregoing claim amendments and remarks, all of the presently pending claims are now in a condition for allowance.

Reexamination and reconsideration are respectfully requested. Early allowance is earnestly solicited. In the event the Examiner deems personal contact desirable in disposition of this application, the Examiner is respectfully requested to call the undersigned attorney at (603) 668-6560. In the event any additional fees are payable, please charge them to our Deposit Account No. 50-2121.

Respectfully submitted,



Scott R. Faber
Attorney for Applicants
Registration No. 48,380
GROSSMAN, TUCKER, PERREAULT
& PFLEGER, PLLC
55 South Commercial Street
Manchester, NH 03101
Ph: 603-668-6560
Fx: 603-668-2970

Attachments Petition for Extension of Time
Credit Card Authorization